



सत्यमेव जयते

महाराष्ट्र शासन राजपत्र

असाधारण भाग एक—कोकण विभागीय पुरवणी

वर्ष १०, अंक ४८]

बुधवार, ऑगस्ट ७, २०२४/श्रावण १६, शके १९४६

[पृष्ठे ६, किंमत : रुपये ११.००

असाधारण क्रमांक ८७

प्राधिकृत प्रकाशन

नगरविकास विभाग

मंत्रालय, मुंबई ४०० ०३२, दिनांक ७ ऑगस्ट २०२४.

अधिसूचना

क्रमांक टिपीबी-४३२२/३७०/प्र.क्र.११६/२०२२/नवि-११.—ज्याअर्थी, शासन नगरविकास विभागाने अधिसूचना क्रमांक टिपीबी- ४३०८/३७०९/प्र.क्र.३४७/ ०८/नवि-११, दिनांक १४ मे २००९ अन्वये महाराष्ट्र प्रादेशिक व नगररचना अधिनियम, १९६६ (यापुढे ज्याचा उल्लेख "उक्त अधिनियम" असा करण्यात आला आहे.) अन्वये मुंबई महानगर प्रदेश विकास प्राधिकरण अधिनियम, १९७४ अंतर्गत स्थापन झालेल्या (महा. IV चे १९७५) मुंबई महानगर प्रदेश विकास प्राधिकरणाची (यापुढे ज्याचा उल्लेख "एम.एम.आर.डी.ए." असा करण्यात आला आहे.) छत्रपती शिवाजी आंतरराष्ट्रीय विमानतळ (CSMIA) अधिसूचित क्षेत्रासाठी विशेष नियोजन प्राधिकरण म्हणून शासनाने नेमणूक केली आहे ;

आणि ज्याअर्थी, शासन नगरविकास विभागाने अधिसूचना क्रमांक सिएमएस/टिपीबी- ४३१२/१/प्र.क्र.४७/२०१२/नवि-११, दिनांक १७ मे २०१३ द्वारे छत्रपती शिवाजी महाराज आंतरराष्ट्रीय विमानतळ अधिसूचित क्षेत्रासाठी (यापुढे ज्याचा उल्लेख "CSMIANA" असा करण्यात आला आहे.) सदर अधिसूचनेसोबतचे परिशिष्टामध्ये दर्शविलेले सारभूत स्वरुपाचे फेरबदल ई.पी.-१, ई.पी.-२ वगळता, अंतरिम विकास योजनेसह विकास नियंत्रण नियमावलीस (यापुढे ज्याचा उल्लेख "उक्त नियमावली" असा करण्यात आला आहे.) शासनाने मंजुरी दिली असून, त्यानंतर शासन अधिसूचना क्रमांक टिपीबी-४३१३/१२६७/प्र.क्र.१८३/२०१३ /नवि-११, दि. ३ मार्च २०१४ द्वारे सदर सारभूत स्वरुपाचे फेरबदलास शासनाने मंजुरी दिली आहे ; आणि ज्याअर्थी, शासन नगरविकास विभागाने अधिसूचना क्रमांक टिपीबी-४३१३/१२६७/प्र.क्र.१८३/२०१३/नवि-११, दि. ६ मे २०१५ अन्वये वाणिज्य वापराच्या इमारतीसंबंधी फेरबदल मंजूर केला आहे ;

आणि ज्याअर्थी, मे. मुंबई इंटरनॅशनल एअरपोर्ट लिमिटेड (यापुढे ज्याचा उल्लेख "एम.आय.ए.एल." असा करण्यात आला आहे.) यांनी दि. २८ सप्टेंबर २०२२ रोजीचे पत्राद्वारे उक्त नियमावलीचे विनियम ३३ मध्ये सुधारणा करणेबाबत विनंती केली आहे; आणि ज्याअर्थी, एम.एम.आर.डी.ए. ने दि. १४ नोव्हेंबर २०२२ रोजीचे पत्राद्वारे एम.आय.ए.एल. यांचे उक्त पत्राचे अनुषंगाने अभिप्राय सादर केले आहेत; आणि ज्याअर्थी, एम.एम.आर.डी.ए. च्या पत्रात खालीलप्रमाणे नमूद आहे ;

“(a) In Airport Notified Area entire land is owned by AAI which is leased to MIAL Additional FSI of 1 permissible over and above FSI of 4.0 on a plot is from the FSI generated by other plots owned by MIAL within CSMIANA limiting to the overall Global FSI of 1.

(१)

In view of above, it would be appropriate if the decision regarding applicant's request for withdrawal of premium for grant of additional FSI for buildings of commercial use under regulation 33 of CSMIANA DCR is taken at Govt. level.

(b) In Airport notified area, the height available for development of land is restricted by Civil Aviation Authority due to its vicinity to airport. Since, the height of building is limited, vertical expansion is restricted leading to horizontal spread of building profile in most of the proposals submitted in MMRDA on the Individual land. This results in deficiencies in marginal open spaces on individual plot for which various condonations are requested by the applicants for the development of land.

In view of above, it would be appropriate if the decision regarding applicant's request for withdrawal of condition of condonations for availing additional FSI of 1.0 over and above the permissible FSI of 4.0 for Buildings of Starred Category Residential Hotels and Convention Centre under Regulation 33(4) of CSMIANA DCR is taken at Govt. level."

आणि ज्याअर्थी, एम.आय.ए.एल. व एम.एम.आर.डी.ए. यांची उक्त पत्रे विचारात घेता, तसेच उक्त विनंतीच्या अनुषंगाने उक्त नियमावलीमध्ये तातडीने सुधारणा करणे सार्वजनिक हिताचे दृष्टीने आवश्यक असल्याची शासनाची खात्री झाली आहे ;

आणि ज्याअर्थी, उक्त अधिनियमाच्या कलम ३७ च्या पोट-कलम (१कक) अन्वये प्राप्त अधिकाराचा वापर करून शासनाने समक्रमांकाची दिनांक २२ डिसेंबर, २०२२ रोजीची सूचना त्यासोबतचे परिशिष्टामध्ये नमूद प्रस्तावित फेरबदलावर (यापुढे ज्याचा उल्लेख "प्रस्तावित फेरबदल" असा करण्यात आलेला आहे) जनतेकडून हरकती / सूचना मागविण्यासाठी प्रसिद्ध केली आहे आणि ज्याद्वारे प्रस्तावित फेरबदलाबाबत प्राप्त होणाऱ्या हरकती / सूचनांवर संबंधितांना सुनावणी देण्याकरिता तसेच उक्त अधिनियमाच्या कलम ३७(१कक) अन्वये विहित केलेली कार्यवाही पूर्ण करून प्रस्ताव शासनास सादर करणेसाठी उपसंचालक, नगररचना, बृहन्मुंबई यांची अधिकारी (यापुढे ज्यांचा उल्लेख "उक्त अधिकारी" असा करण्यात आला आहे.) म्हणून नियुक्ती करण्यात आली आहे ;

आणि ज्याअर्थी, प्रस्तावित फेरबदलाची सदर शासन सूचना दि.२२ डिसेंबर, २०२२ ही महाराष्ट्र शासन राजपत्र (भाग-१, कोकण विभागीय पुरवणी) मध्ये दिनांक १२-१८ जानेवारी, २०२३ रोजी प्रसिद्ध करण्यात आली होती आणि उक्त अधिकारी यांनी अधिनियमाचे कलम ३७(१कक) अन्वये वैधानिक कार्यवाही पूर्ण करून दिनांक १८ मे २०२३ रोजीच्या पत्रान्वये त्यांचा अहवाल नगररचना संचालनालयामार्फत शासनाचे अंतिम मंजूरीसाठी सादर केला आहे ;

आणि ज्याअर्थी, उक्त अधिकारी यांनी सादर केलेला अहवाल विचारात घेता व संचालक, नगररचना, महाराष्ट्र राज्य, पुणे यांचेशी सल्लामसलत केल्यानंतर सदर प्रस्तावित फेरबदल काही सुधारणांस मंजूर करणे आवश्यक असल्याचे शासनाचे मत झाले आहे;

आता त्याअर्थी, उक्त अधिनियमाच्या कलम ३७(१कक)(ग) अन्वये प्राप्त अधिकारात आणि त्या संदर्भातील सर्व शक्तींचा वापर करून शासन याद्वारे :—

(अ) उक्त प्रस्तावित फेरबदलाचे प्रस्तावास सोबतचे परिशिष्टामध्ये नमूद केलेप्रमाणे मंजूरी देत आहे.

(ब) सदरची अधिसूचना शासकीय राजपत्रामध्ये प्रसिद्ध झालेचा दिनांक हा उक्त फेरबदल अंमलात आलेचा दिनांक असेल.

(क) एम.एम.आर.डी.ए. ला उक्त नियमावलीचे मंजूरी सोबतच्या फेरबदलाचे परिशिष्टामध्ये शेवटच्या नोंदीनंतर वर (अ) मध्ये नमूद परिशिष्ट समाविष्ट करणेचे निर्देश देत आहे.

सदर अधिसूचना महाराष्ट्र शासनाच्या www.maharashtra.gov.in (कायदा / नियम) या वेबसाइटवर देखील उपलब्ध करण्यात आली आहे.

परिशिष्ट

(शासन नगरविकास विभागाकडील अधिसूचना क्रमांक टिपीबी ४३२२/३७०/प्र. क्र. ११६/२०२२/नवि-११,
दिनांक ७ ऑगस्ट, २०२४ सोबतचे परिशिष्ट)

Regulation No.	Existing Provision	Sanctioned Provision
Regulation 33 <i>Provision regarding Building of Commercial use</i>	Buildings of Commercial Use: Notwithstanding anything contained in this regulation, for buildings of commercial use, the Metropolitan Commissioner may allow the utilization of floor space index to be increased by 1.00, over and above the maximum allowable FSI of 4.00 on any individual plot in the Notified Area of CSIA subject to the overall FSI sanctioned for the project area, where such use is otherwise permissible under these Regulations, subject to Regulation 32 with height restrictions imposed by the Civil Aviation Authorities and on payment of premium to the extent of 100% of the land rates of Annual Statement of Rates (ASR) of the year in which such FSI is permitted (out of which 50% shall be payable to the State Government).	Buildings of Commercial Use: Notwithstanding anything contained in this regulation, for buildings of commercial use, the Metropolitan Commissioner may allow the utilization of floor space index to be increased by 1.00, over and above the maximum allowable FSI of 4.00 on any individual plot in the Notified Area of CSIA subject to the overall FSI sanctioned for the project area, where such use is otherwise permissible under these Regulations, subject to Regulation 32 with height restrictions imposed by the Civil Aviation Authorities.
Regulation 33(4) <i>condition (a)</i>	(b) No condonation in the required open spaces, parking and other requirements, as mentioned in these Regulations, shall be allowed by MMRDA while permitting such increased floor space index.	(b) In cases where clearly demonstrable hardship is caused, Metropolitan Commissioner, MMRDA using powers under Regulation 6(b) of DCPR-2034 is empowered to grant condonation in the side and rear marginal open spaces up to 25% of the requirements given under these regulations.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

अमर पाटील,
शासनाचे अवर सचिव.

URBAN DEVELOPMENT DEPARTMENT

Mantralaya, Mumbai 400 032, dated 7th August 2024.

NOTIFICATION

No. TPB-4322/370/CR-116/2022/UD-11.—Whereas, the Government in Urban Development Department, *vide* Notification No.TPB 4308/3709/CR-347/08/UD-11, dated the 14th May 2009, under section 40(1)(c) of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as “the said Act”) has appointed the Mumbai Metropolitan Region Development Authority (hereinafter referred to by its acronym “MMRDA”) established under the Mumbai Metropolitan Region Development Authority Act, 1974 (Mah. IV of 1975) to be the Special Planning Authority for the Chhatrapati Shivaji Maharaj International Airport (CSMIA) Notified area bounded by the Airport ;

And whereas, the Government in the Urban Development *vide* Notification No. CMS/TPB-4312/1/CR-47/2012/I/UD-11, dated the 17th May 2013, has sanctioned Interim Development Plan for a part of Chhatrapati Shivaji Maharaj International Airport Notified Area (hereinafter referred to “CSMIANA”) alongwith Development Control Regulations (hereinafter referred to the said Regulations”), excluding the substantial modifications, specified as EP-1, EP-2 in SCHEDULE, appended thereto, and has subsequently sanctioned the said modifications of substantial nature *vide* Notification No. TPB 4313/1267/CR-183/2013/UD-11, dated 3rd March 2014; And whereas, Government in the Urban Development *vide* Notification No.TPB-4313/1267/CR-183/2013/I/UD-11, dated the 6th May 2015 has sanctioned modification regarding building of commercial use ;

And whereas, M/s Mumbai International Airport Limited (MIAL) *vide* their letters dated 28th September, 2022 has requested to amend Regulation 33 of the said Regulations; and whereas, MMRDA *vide* their letters dated 14th November, 2022 has submitted their report on the letter of MIAL; and whereas, it is stated in the letter of MMRDA that,

“(a) In Airport Notified Area entire land is owned by AAI which is leased to MIAL. Additional FSI of 1 permissible over and above FSI of 4.0 on a plot is from the FSI generated by other plots owned by MIAL within CSMIANA limiting to the overall Global FSI of 1.

In view of above, it would be appropriate if the decision regarding applicant’s request for withdrawal of premium for grant of additional FSI for buildings of commercial use under regulation 33 of CSMIANA DCR is taken at Govt. level.

(b) In Airport notified area, the height available for development of land is restricted by Civil Aviation Authority due to its vicinity to airport. Since, the height of building is limited, vertical expansion is restricted leading to horizontal spread of building profile in most of the proposals submitted in MMRDA on the Individual land. This results in deficiencies in marginal open spaces on individual plot for which various condonations are requested by the applicants for the development of land.

In view of above, it would be appropriate if the decision regarding applicant’s request for withdrawal of condition of condonations for availing additional FSI of 1.0 over and above the permissible FSI of 4.0 for Buildings of Starred Category Residential Hotels and Convention Centre under Regulation 33(4) of CSMIANA DCR is taken at Govt. level.”

And whereas, considering the above cited letters of MIAL and MMRDA and in view of the aforesaid request, the Government is satisfied that in the public interest it is necessary to urgently carry out suitable modification in the said Regulations ;

And whereas, in exercise of the powers conferred under sub-section (1AA) of Section 37 of the said Act, Government had issued Notice of even no. dated 22nd December, 2022 for inviting suggestions/objections from the general public with regard to the proposed modification (hereinafter referred to as “the proposed modification”) as specifically mentioned in the Schedule appended to the said Notice and appointed the Deputy Director of Town Planning, Gr. Mumbai as the Officer (hereinafter referred to as “the said Officer”) to complete the procedure as stipulated under Section 37(1AA) of

the said Act and to submit a report on the objections / suggestions received in respect of the proposed modification to the Government after giving hearing to the concerned persons ;

And whereas, the said Notice dated 22nd December, 2022 was published in the *Maharashtra Government Gazette* (Part-I, Kokan Division Supplement) dated 12th-18th January, 2023 and the said Officer has submitted his report *vide* letter dated 18th May 2023 through the Director of Town Planning, Maharashtra State, after completing the legal procedure stipulated under Section 37(1AA) of the said Act;

And whereas, after considering the report of the said Officer and after consulting the Director of Town Planning, Maharashtra State, the Government is of the opinion that the proposed modification is required to be sanctioned with certain changes;

Now, therefore, in exercise of the powers conferred upon it under section 37(1AA)(C) of the said Act, the Government hereby :—

(A) Sanctions the proposed modification as described more specifically in the Schedule appended herewith.

(B) Fixes the date of publication of this Notification in the *Official Gazette* as the date of coming into force of this modification.

(C) Directs MMRDA that in the Schedule of Modifications sanctioning the said Regulations, after the last entry, the Schedule referred to at (A) above shall be added.

This Notification shall also be published on the Government website- www.maharashtra.gov.in (Acts/ Rules)

Schedule

Accompaniment to the Government in Urban Development Department Notification
No. TPB- 4322/370/C.R.116/2022/UD-11, dated 7th August, 2024.

Regulation No.	Existing Provision	Sanctioned Provision
Regulation 33 <i>Provision regarding Building of Commercial use</i>	Buildings of Commercial Use: Notwithstanding anything contained in this regulation, for buildings of commercial use, the Metropolitan Commissioner may allow the utilization of floor space index to be increased by 1.00, over and above the maximum allowable FSI of 4.00 on any individual plot in the Notified Area of CSIA subject to the overall FSI sanctioned for the project area, where such use is otherwise permissible under these Regulations, subject to Regulation 32 with height restrictions imposed by the Civil Aviation Authorities and on payment of premium to the extent of 100% of the land rates of Annual Statement of Rates (ASR) of the year in which such FSI is permitted (out of which 50% shall be payable to the State Government).	Buildings of Commercial Use: Notwithstanding anything contained in this regulation, for buildings of commercial use, the Metropolitan Commissioner may allow the utilization of floor space index to be increased by 1.00, over and above the maximum allowable FSI of 4.00 on any individual plot in the Notified Area of CSIA subject to the overall FSI sanctioned for the project area, where such use is otherwise permissible under these Regulations, subject to Regulation 32 with height restrictions imposed by the Civil Aviation Authorities.

Regulation No.	Existing Provision	Sanctioned Provision
Regulation 33(4) <i>condition (a)</i>	(a) No condonation in the required open spaces, parking and other requirements, as mentioned in these Regulations, shall be allowed by MMRDA while permitting such increased floor space index.	(a) In cases where clearly demonstrable hardship is caused, Metropolitan Commissioner, MMRDA using powers under Regulation 6(b) of DCPR-2034 is empowered to grant condonation in the side and rear marginal open spaces up to 25% of the requirements given under these regulations.

By order and in the name of the Governor of Maharashtra,

AMAR PATIL,
Under Secretary to Government.